

REMARKS

In the Office Action, claims 20, 23, 25, and 28 were rejected under 35 U.S.C. § 102. Further, claims 21-22, 24, 26-27, and 30 were rejected under 35 U.S.C. § 103(a).

In the instant Response, claims 20, 23, and 25 have been amended and new claims 31-35 have been added. Support for the amendment to claim 20, 23 and 25 can be found in the instant application as filed at page 6, lines 6-9.

Claims 20-28 and 30-35 are currently pending.

**I. § 102 Rejections**

As mentioned above, claims 20, 23, 25, and 28 were rejected under § 102. It is respectfully submitted that claims 20, 23, 25, and 28 are patentable.

**A. Claim 20 Is Not Anticipated by Andreussi**

Claim 20 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,064,417 (“Andreussi”). Applicants respectfully disagree.

Andreussi does not anticipate claim 20. Claim 20, as amended, is directed to an implantable device comprising an area on which skin cannot grow.

Andreussi, in contrast, discloses a device for fastening a catheter to the cranial theca “for draining cerebro spinal fluid.” See Andreussi, Abstract. The device has a washer means that is covered by the scalp of the patient after installation of the device. Id. at col. 3, ll. 49-56 and FIG. 2. That is, the washer means permits skin growth. Thus, Andreussi does not disclose an upper fin configured to prevent skin growth thereon. Andreussi, therefore, fails to teach or suggest the invention of claim 20. Reconsideration and withdrawal of the rejection is respectfully requested.

**B. Claims Depending from Claim 20 Are Patentable**

Because claims 21 and 22 depend directly or indirectly from claim 20 and incorporate all the limitations of claim 20, the above arguments obviate the basis for this ground of rejection. Thus, claims 21 and 22 are not anticipated by Andreussi. Reconsideration and withdrawal of the rejections is respectfully requested.

**C. Claim 23 Is Not Anticipated by Andreussi**

Claim 23 was rejected under 35 U.S.C. § 102(b) as being anticipated by Andreussi. Applicants respectfully disagree.

Andreussi does not anticipate claim 23. Claim 23, as amended, is directed to an implantable device comprising a port fin that helps substantially define an area on which skin cannot grow.

In contrast, Andreussi, as discussed above, discloses a device having a washer means that permits skin growth. Thus, Andreussi does not disclose a port fin configured to prevent skin growth thereon. Andreussi, therefore, fails to teach or suggest the invention of claim 23. Reconsideration and withdrawal of the rejection is respectfully requested.

**D. Claim 24 Is Patentable**

Because claim 24 depends directly from claim 23 and incorporates all the limitations of claim 23, the above arguments obviate the basis for this ground of rejection. Thus, claim 24 is not anticipated by Andreussi. Reconsideration and withdrawal of the rejection is respectfully requested.

**E. Claim 25 Is Not Anticipated by Bentley, Hargest, or Gifford**

Claim 25 was rejected under § 102(b) as being anticipated by U.S. Patent 4,183,357 (“Bentley”), U.S. Patent 3,461,869 (“Hargest”), and U.S. Patent 5,817,113 (“Gifford”). Applicants respectfully disagree.

Claim 25, as amended, is directed to an implantable device comprising, in part, “a generally cylindrical, hollow shaft” having a “channel-like pocket for tissue in-growth between the radial and anchoring fins.” Further, the channel-like pocket has “a rounded cross-sectional area.” It is respectfully submitted that none of Bentley, Hargest, or Gifford teach or suggest the invention of claim 25.

Bentley does not anticipate claim 25. Bentley discloses an implant device having “an annular groove 58 which functions as a point of attachment for a bag member.” See Bentley, col. 6, ll. 1-3 and FIG. 5. That is, the annular groove is a point of attachment for another device component, not for tissue growth. Thus, Bentley does not disclose a channel-like pocket for tissue in-growth between the radial and anchoring fins. Bentley, therefore, fails to teach or suggest the invention of claim 25.

Hargest does not anticipate claim 25. Hargest discloses “a permanent skin exit button.” See Hargest at col. 3, ll. 23-25 and FIGS. 1-11. Hargest does not disclose a generally cylindrical, hollow shaft. Therefore, Hargest fails to teach or suggest the invention of claim 25.

Gifford, furthermore, does not anticipate claim 25. Gifford discloses a device for performing a vascular anastomosis. See Gifford, Abstract. The device identified in the Office Action has a flange 167, a ledge 178, and a staple leg 168 as best depicted in FIG. 12. Regardless of the position of the staple leg 168, it is noted that the shape formed by the ledge 178 is not rounded. Thus, Gifford does not disclose a channel-like pocket having a rounded cross-sectional area. Gifford, therefore, fails to teach or suggest the invention of claim 25.

Thus, claim 25 is not anticipated by Bentley, Hargest, or Gifford. Reconsideration and withdrawal of the rejections is respectfully requested.

**F. Claims Depending from Claim 25 Are Patentable**

Because claims 26-28 and 30 depend directly or indirectly from claim 25 and incorporate all the limitations of claim 25, the above arguments obviate the basis for these grounds of rejection. Thus, claims 26-28 and 30 are not anticipated by Bentley, Hargest, or Gifford. Reconsideration and withdrawal of the rejections is respectfully requested.

**II. § 103(a) Rejections**

As mentioned above, claims 21, 22, 24, 26, 27, and 30 were rejected under § 103. It is respectfully submitted that claims 21, 22, 24, 26, 27, and 30 are patentable.

**A. Claims 26 and 27 Are Not Made Obvious by Bentley in view of Bokros**

Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bentley as applied to claim 25 and further in view of U.S. Patent 3,783,868 (“Bokros”). Applicants respectfully disagree.

As explained above, Bentley fails to teach or suggest the invention of claim 25. That is, claim 25 is directed to “channel-like pocket for tissue in-growth between the radial and anchoring fins,” the pocket having “a rounded cross-sectional area.” Bentley fails to teach or suggest such a pocket for tissue in-growth.

Bokros fails to remedy the deficiencies of Bentley. Bokros discloses a percutaneous device for drug injection. See Bokros, Abstract. Bokros does not teach or suggest a channel-like pocket having a rounded cross-sectional area as claimed in claim 25.

Thus, neither Bentley nor Bokros, alone or in combination, teach or suggest the invention of claim 25. Because claims 26 and 27 depend directly or indirectly from claim 25 and incorporate all the limitations of claim 25, the above arguments obviate the basis for this ground

of rejection. Thus, claims 26 and 27 are not made obvious by Bentley in view of Bokros. Reconsideration and withdrawal of the rejections is respectfully requested.

**B. Claims 21 and 22 Are Not Made Obvious by Andreussi in view of Slivenko**

Claims 21 and 22 were rejected under § 103(a) as being unpatentable over Andreussi as applied to claims 20 and 23 and further in view of U.S. Patent No. 4,108,173 (“Slivenko”). Applicants respectfully disagree.

As explained above, Andreussi fails to teach or suggest the invention of claim 20. That is, claim 20 is directed to an implantable device comprising, in part, an upper fin and Andreussi fails to teach or suggest such an upper fin.

Slivenko fails to remedy the deficiencies of Andreussi. Slivenko discloses a blood access device. See Slivenko, Abstract. Slivenko does not teach or suggest an upper fin that helps substantially define an area on which skin cannot grow.

Thus, neither Andreussi nor Slivenko, alone or in combination, teach or suggest the invention of claim 20. Because claims 21 and 22 depend directly or indirectly from claim 20 and incorporate all the limitations of claim 20, the above arguments obviate the basis for this ground of rejection. Thus, claims 21 and 22 are not made obvious by Andreussi in view of Slivenko. Reconsideration and withdrawal of the rejections is respectfully requested.

**C. Claim 24 Is Not Made Obvious by Andreussi in view of Slivenko**

Claim 24 was rejected under § 103(a) as being unpatentable over Andreussi as applied to claims 20 and 23 and further in view of Slivenko. Applicants respectfully disagree.

As explained above, Andreussi fails to teach or suggest the invention of claim 23. That is, claim 23 is directed to an implantable device comprising, in part, a port fin that helps substantially define an area on which skin cannot grow. Andreussi fails to teach or suggest such a port fin.

Slivenko fails to remedy the deficiencies of Andreussi. Slivenko discloses a blood access device. See Slivenko, Abstract. Slivenko does not teach or suggest a port fin that helps substantially define an area on which skin cannot grow.

Thus, neither Andreussi nor Slivenko, alone or in combination, teach or suggest the invention of claim 23. Because claim 24 depends directly from claim 23 and incorporates all the limitations of claim 23, the above arguments obviate the basis for this ground of rejection. Thus,

claim 24 is not made obvious by Andreussi in view of Slivenko. Reconsideration and withdrawal of the rejections is respectfully requested.

**D. Claim 30 Is Not Made Obvious by Bentley or Hargest in view of Broemer**

Claim 30 was rejected under § 103(a) as being unpatentable over Bentley or Hargest as applied to claim 25 and further in view of U.S. Patent 4,365,356 (“Broemer”). Applicants respectfully disagree.

As explained above, neither Bentley nor Hargest teaches or suggests the invention of claim 25. That is, claim 25 is directed to an implantable device comprising, in part, “a generally cylindrical, hollow shaft” having a “channel-like pocket for tissue in-growth between the radial and anchoring fins.” Both Bentley and Hargest fail to teach or suggest such a device.

Broemer fails to remedy the deficiencies of Bentley and Hargest. Broemer discloses prosthesis parts provided with a coating of a bioactive material. See Broemer, Abstract. Broemer does not teach or suggest an implantable device including a generally cylindrical, hollow shaft having a channel-like pocket for tissue in-growth between the radial and anchoring fins as claimed in claim 25.

Thus, neither Bentley, Hargest, nor Broemer, alone or in combination, teach or suggest the invention of claim 25. Because claim 30 depends directly from claim 25 and incorporates all the limitations of claim 25, the above arguments obviate the basis for this ground of rejection. Thus, claim 30 is not made obvious by Bentley or Hargest in view of Broemer. Reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

Applicant respectfully submits that claims 20-28 and 30-35 are in condition for allowance.

No new claim fees have been generated by this communication. However, a petition to extend the time to respond is being submitted herewith along with the appropriate fee. The Commissioner is hereby authorized to charge any deficiencies and credit any overpayments associated with the petition or this communication to Deposit Account No. 04-1420.

Reconsideration and a Notice of Allowance for all pending claims are respectfully requested.

Respectfully submitted,

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Date:

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By:

  
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